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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

Registration (O.A.) no 513 of 1986

N.K Singh

Applicant.

Versus

Additional Director General,
Ordnance Factory, Kanpur and others

Respondents.

Hon'ble D.S. Misra, A.M.

Hon'ble G.S. Sharma, J.M.

(Delivered by Hon'ble D.S. Misra)

This is an application under Section 19 of the A.T. Act XIII of 1985 against the order of removal dated 15.5.1985, passed by the General Manager, Ordnance Equipment Factory Kanpur and order dated 3rd September, 1985 rejecting the appeal of the applicant against the penalty of removal.

2. On 26.9.1981, the applicant while working as Ex-checker in the Ordnance Equipment Factory, Kanpur was charged for committing theft and some factory material 'Button Turn Deep Cloth to Cloth made of Brass numbering 222(217)' with full components and 5 loose partial components) duly wrapped in a handkerchief and hidden inside a cloth bag which was being on the handle of his bicycle. A disciplinary inquiry was held under Rule 14 of the CCS(CCA) Rules, 1965 and disciplinary authority passed the order of removal by an order dated 15.5.85. The appeal filed by the applicant against the order dated 15.5.85 was rejected by the Addl. Director General, Ordnance Equipment Factory, Kanpur.

3. The main ground taken in the application is that the disciplinary authority had passed the order of removal of the applicant without giving any notice and without

affording any opportunity to him to represent his case against the proposed punishment or against the finding of the inquiry officer amounting to violation of Rule 10 of CCS(CCA) Rules. The second ground taken is that the appellate authority had rejected the appeal without affording any appropriate opportunity and without applying his mind to the statements given by the prosecution witnesses.

4. On the date of final hearing, no one was present on behalf of the applicant. We have heard learned counsel for the respondents and have carefully examined the documents on record and we find that none of the two contentions of the applicant is established. Rule 10 of the CCS(CCA) Rules does not provide for giving or affording any opportunity to a delinquent official against whom inquiry is held and charge established before imposing a penalty. We do not find any defect in the conduct of inquiry and the imposition of the penalty by the Disciplinary Authority. We have also gone through the appeal dated 20.5.85 of the applicant and the order passed by the appellate authority and we find that the appellate order is a speaking order and does not suffer from any defect. Accordingly we reject both the contentions of the applicant.

There is no merit in the application and the same is rejected without any order as to costs.

[Signature]
A.M. 25/4/88

[Signature]
J.M.